



Revised Missouri Court Performance Standards for the Administration of Juvenile Justice

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FORWARD

The Missouri Court Performance Standards for the Administration of Juvenile Justice were developed for use by Missouri juvenile courts and juvenile justice professionals. These standards are premised on the notion that court performance should be driven by core values of equality, integrity, fairness, and justice. The standards offer a common framework for understanding and assessing the work of juvenile and family courts and enhancing performance.

This volume reflects the hard work, commitment, and diligence of the Missouri Court Performance Standards Committee, comprised of Juvenile Officers and other administrators, most of who have worked on the “front lines” of juvenile justice themselves. The members are acutely aware of the constraints under which juvenile justice professionals operate. The committee made every effort to develop standards that are reasonable and realistic while not losing sight of the need to set high expectations for what can be achieved.

It is intended that these standards will be adopted by Missouri juvenile courts. Collectively, these standards offer a vision to Missouri juvenile justice professionals of a system that balances individual rights with protection of the public. It is the belief of the committee members that through implementation of these standards, the Missouri juvenile justice offices can become more accountable and responsive to the public and better meet the needs of the family and children whom they serve.

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OVERVIEW

The Missouri Standards for Administration of Juvenile Justice Committee developed these standards to promote best practices and to provide an empirical basis for planning, assessing, and improving juvenile justice in Missouri. The intent was to create standards that are fair, clear, adaptable, and connected to the overall mission of the juvenile justice system. The Committee also gave careful consideration to issues of feasibility, measurability, and ease of implementation.

These standards apply to juvenile “courts” in Missouri as defined in the Missouri Supreme Court Rule 110.05. Thus, they are applicable to the juvenile office on the whole and the services they provide, not just the formal processing of cases in the courtroom.

Juvenile Officers from both rural and urban, multi-county, and single county circuits were represented on the Committee. Thus, Committee members were mindful of the variability of available resources in circuits around the state, and attempted to set standards that would not impose too onerous a burden to implement.

One of the objectives for developing these performance standards was to be able to determine what is needed in order for the juvenile justice system to achieve its intended purposes. One component of this project was a time study of Missouri juvenile justice professionals conducted by the National Council on Crime and Delinquency. The time study poses the question: How many full-time employees does a circuit require in order to meet performance goals? The results of this study will be used to request additional resources for the juvenile offices.

To avoid redundancy, the Committee did not develop standards that merely reiterate what is already established in policies, rules, and procedures set forth in Missouri statutes or Missouri Supreme Court rules. When appropriate, the standards include references to the statutes and rules in order to help insure compliance and make juvenile justice staff more aware of the relationship of these to the performance standards.

REVISED MISSOURI STANDARDS FOR THE ADMINISTRATION OF JUVENILE JUSTICE

Ahead are the eight general performance areas recommended by the Missouri Standards for the Administration of Juvenile Justice Committee.

A brief summary of the rationale behind each performance area, the performance indicators for the standard, and recommended methods for measuring the standard is included.

I. Access to Juvenile Justice Services

Every effort should be made to create opportunities for effective and meaningful participation in the justice process without undue inconvenience or hardship.

A. Availability of services

A means through which designated personnel may be contacted seven days a week, 24 hours a day should be established.

B. Equal access

1. Disabled persons should be provided access to parking, facility entrances, offices, waiting rooms, interview areas, and other areas in which juvenile office business is conducted.
2. Interpreters should be made available for persons who are hard of hearing, speech-impaired, visually impaired, whose primary language is other than English, and/or who are unable to read.

C. Courtesy, respect, and sensitivity

Personnel should be courteous and responsive to the public and afford respect to all with whom they come in contact. Sensitivity should be demonstrated towards all persons from different cultures, ethnic groups, and alternative lifestyles.

Performance indicators

- Users perceive the Juvenile Office as accessible and culturally sensitive.
- Satisfactory level of participation by participants (witnesses, victims).
- Staff perceives Juvenile Office as accessible and culturally sensitive.
- Low number of complaints received by the Juvenile Office related to inaccessibility and cultural insensitivity.

Potential measurement methods

- Systematic observations using trained observers.
- Surveys of users and staff.
- Focus groups of users and staff.
- Structured interviews with users and staff.
- Review of written and verbal complaints received.

The Juvenile Office is a public institution designed to dispense justice and provide services to the children and families that appear before it. Accessibility is vital to public trust and confidence. When the juvenile justice system is accessible, victims, witnesses, and families required to participate in it are more willing to take an active role. Participants in child abuse and neglect is broader than just victims and witnesses and will include parents, foster parents, child service agency representatives, treatment providers, and others. Juvenile justice proceedings seem less remote and confusing to the public. This standard also

seeks to ensure that there are effective avenues of participation for persons of all race, color, and creed, who are disabled and with alternative lifestyles.

It is recognized that Missouri juvenile justice agencies must operate under certain parameters as a result of Missouri statutes and Missouri Supreme Court rules governing confidentiality. Some official proceedings are still of a non-public nature.

II. Independence and Integrity

Institutional independence and integrity are of paramount importance. Juvenile justice professionals should be free from undue influence from other components of government or other entities.

- A. Juvenile Office recommendations should be based on legally relevant factors. Individual attention should be given to each child's case.
- B. Clarity is a prerequisite for both compliance and monitoring. All documents prepared by the Juvenile Office should be clearly worded and easily understood by all parties.
- C. Personnel are responsible for monitoring and enforcing of court dispositions and orders.

Performance indicators

- Effective monitoring and enforcement of orders.
- Perception of the fairness of recommendations by families, parties, and other community members.
- Consistency in decisions across like cases.

Potential measurement methods

- Surveys of families, staff, and other community members.
- Record reviews (reflecting court order follow-through).
- Record reviews (reflecting case outcomes).
- Focus groups with families, staff, and other community members.
- Structured interviews with families, staff, and other community members.

With this standard, a clear and unequivocal statement is made regarding responsibility for decisions and actions. This standard reflects the ideal of justice in two ways: through making a statement in regard to independence from undue influence, and by affirming that legally relevant factors shall serve as the basis for recommendations made. It further emphasizes the importance of issuing decisions that are enforceable, and ensuring that orders are enforced.

III. Timeliness and Responsiveness

Policies should be in place to ensure that case processing and other juvenile office practices are conducted in a timely manner. Compliance with time standards encouraging expediency and responsiveness should be established and monitored.

A. Referrals from other courts or entities, and requests for courtesy supervision

Upon receipt, requests for court services from other courts and entities should be date-stamped “received” and responded to within five (5) business days of receipt.

1. Requests for information or services from other courts, agencies, families, and members of the public will be responded to in a timely manner and in accordance with statutory provisions of confidentiality.
2. Any written non-emergency referrals and other requests for services should be date stamped “received” and acknowledged within five business days of receipt.

B. Requests for information or services

Requests for information from courts, other agencies, families, and members of the public will be responded to in a timely manner.

C. Timely monitoring and enforcement of court orders

All court orders should be monitored for compliance.

Performance indicators

- Efficient case processing.
- Reduced case backlog.
- Users perceive actions as timely and responsive.

Potential measurement methods

- Surveys of users and staff.
- Focus groups with users and staff.
- Structured interviews with users and staff.
- Review of case files.

This standard is important because it reflects commitment to good business practices. More importantly, it reflects a commitment to public safety and protection of children, fairness, and due process. Delays in actions can have serious ramifications for the children and families that are served, for victims, and for the general community.

¹² Judge Patricia Wald, in the forward to “Robert Shepherd, Editor. 1996. “Juvenile Justice Standards: A Balanced Approach.” p. xii.

IV. Records

A. Juvenile file

For each child referred to the Juvenile Office, accurate, complete, and up-to-date records should be kept. The information should be both relevant and necessary to a proper purpose. Reasonable safeguards should be established to protect against the misuse, misinterpretation, and improper dissemination of file information.

B. Maintenance of records

Juvenile records are generally confidential. Access to and destruction of juvenile records is controlled by Section 211.321, RSMo.

Performance indicators

- File information is reliable, accurate, and relevant.

Potential measurement methods

- Review of case files.
- Surveys of file users.

A standard describing proper procedure for maintaining records underscores the importance of documenting juvenile justice processes.

V. Victim Rights

Victims should be recognized as persons with a legitimate interest in the justice system.

The child's family members should be recognized as persons with a legitimate interest in the justice system and the welfare of the child. Juvenile justice professionals should treat family members with dignity and respect while focusing on the safety and well being of the child.

Performance indicators

- Satisfactory level of family and victim participation in juvenile justice processes.
- Families perceive juvenile office staff as respectful of their rights and responsive to their child's needs.
- Victims perceive juvenile office staff as responsive and respectful of their rights .
- Victim advocates perceive juvenile office staff as respectful towards victim rights and responsive to victims.
- Families and child advocates perceive juvenile office staff as respectful towards family rights and responsive to children and families.

Potential measurement methods

- Systematic observations using trained observers.
- Survey of family members and family advocates.
- Record reviews (regarding victim participation).
- Focus groups with family members and family advocates.
- Focus groups with victim and victim advocates.
- Structured interviews with family members and advocates.
- Structure interviews with victims, family members, and advocates.
- Number of contacts made with victims.
- Number of contacts responded to by victims.

The Victim Rights standard addresses the role of the victim in the juvenile justice process and reflects themes of restorative justice. This standard explicitly recognizes that the victim has an important role in the justice process and a stake in its outcomes. It ensures that victims are not marginalized and their input is valued, and can help inform recommendations.

The standard explicitly recognizes that the family is valued and has an important role in the Juvenile and Family Court process.

VI. Case Processing

Court referral and intake services should be available seven days a week, twenty-four hours a day.

A. Referral & Intake

1. Legal Sufficiency

A referral of delinquency or child abuse and neglect shall be date-stamped “received.” If information is received verbally, it shall be reduced to writing as soon as possible.

- a. The intake officer should make an initial and prompt determination of whether the referral is legally sufficient for the filing of a petition on the basis of the contents of the referral and intake investigation. In this regard, the officer should determine whether:
 - i. The facts as alleged are legally sufficient to establish the courts’ jurisdiction over the child;
 - ii. There is a clear statement of the acts alleged;
 - iii. There is competent and credible evidence sufficient to support the filing of a petition; and
 - iv. That all acts arising out of one referral are included in one petition.
- b. If the legal sufficiency of the referral is unclear, the officer should:
 - i. Cause or initiate further investigation; or
 - ii. Consult with legal counsel.
- c. If the officer determines that the facts as alleged are not sufficient to establish the court’s jurisdiction, the officer should dismiss/reject the referral, or where appropriate, forward the referral to the appropriate authority.
- d. The intake disposition of the referral should be made within 30 calendar days from the “date” stamped received.

2. Notice to Parties

Every effort should be made to ensure that all parties are provided with timely notice of proceedings.

- a. Informal Adjustment - Notice of informal adjustment shall be given to parties as required by Rule 113.02.
- b. Summons and service of petitions and other pleadings - Notice shall be given to parties as required by Rule 115.01-115.04.

3. Informal Case Processing

Review of prior referrals to the Juvenile Office and past involvement with the child welfare agency, along with a determination of the safety of a child, should be used as a guideline for arriving at the decision to dispose of a referral through the informal process.

- a. Upon a decision to make an informal adjustment, the Missouri Supreme Courts Rules of Practice and Procedures that govern the informal adjustment process shall serve to guide the informal case processing of all cases.
- b. The informal adjustment disposition should be made on or within thirty (30) calendar days from intake disposition.
- c. During the informal adjustment conference and after the allegations are found sufficient, the officer shall conduct a risk and needs assessment and classification of the child (RSMo. 211.141) in all delinquency cases.
- d. In delinquency cases, as a result of the informal adjustment and classification of the child, the officer should determine what disposition (sanctions/services) is in the best interest of the child and community.
- e. In child abuse and neglect cases, as a result of the informal adjustment, the officer should determine what disposition and services are in the best interest of the child and family.
- f. Within five business days of determining a disposition, the disposition, results of any risk and needs assessment completed, and services and sanction(s) utilized shall be reported to the court and the Office of State Courts Administrator (OSCA) using a standardized form (RSMo. 211.141; 211.327).
- g. Juvenile Officer or the Juvenile Officer's designee should conduct the informal adjustment conference. The Juvenile Officer or designee has authority to provide for any disposition available. Any services available to the court should be available at the informal adjustment conference.
- h. In delinquency cases, an agreement should be signed signifying the child and custodian(s) accept the terms of the informal adjustment. This agreement should be maintained in the child's file and a copy of the agreement should be provided to the child and custodian(s) upon signing.
- i. In child abuse/neglect cases, an agreement or Children's Division safety plan should be signed signifying that the child's parent, guardian, or legal custodian, the Children's Division worker (if appropriate), and the Juvenile Officer accept the terms of the informal adjustment conference. This agreement should be maintained in the child's file and a copy of the agreement should be provided to the parent, guardian, or legal custodian and, when applicable, the Children's Division worker.

4. Formal Case Processing

- a. Upon a decision to authorize temporary protective custody or detention, Missouri Supreme Court Rules of Practice and Procedures should be strictly adhered to (Rules 111.01-111.15).
- b. Upon a decision to file a petition, the Missouri Supreme Courts Rules of Practice and Procedures that govern formal case processing should be strictly adhered to (Rules 114.01-114.03).
- c. During formal case processing, the officer shall conduct a risk assessment and classification of the child (RSMo. 211.141) pursuant to the Missouri Juvenile Offender Risk & Needs Assessment Classification System in delinquency cases.
- d. Every effort should be made to ensure that all necessary persons are provided with timely notice of proceedings as required by Statutes and Supreme Court Rules.
- e. In delinquency cases, within five (5) business days of the court entering a disposition, the disposition, results of the risk assessment, needs assessment, and the sanction(s)/service(s) utilized shall be reported to the court and the Office of State Courts Administrator using a standardized form (RSMo. 211.141; 211:327).

Performance indicators

- Consistent case recommendations across like cases.
- Efficient use of services.
- Identified areas of service needs are met.
- Identified time standards are being met.

Potential measurement methods

- Review/comparison of case recommendations across like cases.
- Surveys of service providers (regarding appropriateness of referrals).
- Review of case outcomes across like cases.
- Surveys/structured interviews with child and parents/guardians.
- Review of case files
- Review of management report

The Case Processing standards offer a best practice model from the point at which a referral is received until a case is closed. This standard was created to foster consistency in case-processing, to ensure that practices are just and equitable, and that actions are timely.

Use of the Missouri Juvenile Offender Risk & Needs Assessment and Classification System is not applicable to child abuse and neglect cases.

VII. Dispositions

A. Supervision Procedures

1. *Duration*

- a. Informal Adjustment with supervision – Informal adjustment with supervision cannot exceed a period of six months, unless extended by court order. Informal adjustment may not continue beyond a period of one-year (Rule 113.04).
- b. Court Adjudication/Supervision of Delinquency Cases – The duration of formal supervision should be based on the child’s risk and needs levels, and adjustment under supervision.

2. *Contact Standards – Delinquency Cases*

Written guidelines should be in place pertaining to the frequency and nature of contacts that should be made with the child during the period of supervision. These guidelines should take into account public safety and be based upon the Missouri Risk Scale and the severity of the presenting offense. Contact standards should be graduated and may increase or decrease during the period of supervision. The decision to adjust the level should be based on receipt of new referrals, violations of supervision, compliance with treatment service(s), and risk level changes.

Recommended minimums for contact standards are provided below.

- a. Informal Adjustment with Supervision - Informal adjustment may or may not include supervision. Informal adjustment with supervision should include a minimum of one face-to-face contact per month with the child or custodian for the duration of the informal adjustment period.
- b. Formal Supervision - The frequency and type of contact should correspond to the supervision level.
 - i. High level supervision should include a minimum of four face-to-face contacts monthly with the child at the Juvenile Office, child’s home, school, or other community setting, one of which includes a parent or custodian supplemented by collateral contacts as needed.
 - ii. Moderate-level supervision should include a minimum of two face-to-face contacts monthly with the child at the Juvenile Office, child’s home, school, or other community setting, one of which includes a parent or custodian supplemented by collateral contacts as needed.

- iii. Minimum-level supervision should include a minimum of one face-to-face contact monthly with the child, which should include a parent or custodian supplemented by collateral contacts as needed.
 - c. Treatment Contacts - Written guidelines should be in place pertaining to the frequency and nature of contacts that should be made with the child's treatment providers during the period of supervision.
3. Upon termination of the informal case process, the Juvenile Officer shall notify the child's parent, guardian, or legal custodian and, if applicable, the Children's Division and report such action to the court.

B. Case Monitoring

All sanctions, services, and dispositions should be monitored in all cases to ensure compliance.

1. *Progress Reports in Delinquency Cases*

The Juvenile Officer should complete progress reports at a minimum of every three months. Progress reports should address compliance with conditions of supervision, services received, new referrals to the court, and changes in risk level.

The progress report should be submitted to the court for formal cases and maintained in the child's file for all cases. Notification of progress or lack of it should be provided to the child and parent or guardian.

2. *Documentation of Results*

The results of monitoring and outcome(s) should be documented when the case is terminated. This documentation should be maintained in the child's file.

C. Formal Case Processing in Child Abuse/Neglect Cases

1. The Juvenile Officer should provide on-going case monitoring to assure that each child's case moves through the dispositional review hearing, permanency hearing, and when applicable, termination of parental rights hearing as required by Statute and Supreme Court Rules.
2. The Juvenile Officer is responsible for formal case processing and case monitoring activities that may include but not be limited to:

- a. Preparation and filing of pleadings (e.g., motions for visitation, child support, or establishment of paternity)
- b. Ensuring the issuance of notices, summons, or subpoenas
- c. Review of all written reports received from the Children's Division and others (e.g., medical, law enforcement, therapists, school, other treatment providers)
- d. Preparation and presenting in court, including preparation of witnesses, presenting evidence, and making recommendations.
- e. Preparation of memoranda and draft of court orders
- f. Monitoring the case for compliance with court orders and initiating action necessary to ensure compliance
- g. The Juvenile Officer should participate in the Children's Division Family Support Team (FST) meetings.

D. Case Closing

1. *Informal Adjustment*

Informal adjustment should be terminated as required by Rule 113.04.

2. *Court Supervision*

Formal supervision should be terminated as required by Rule 119.09.

3. *Exit Interview*

For both formal and informal cases, an exit interview should be conducted with the child and child's parent or guardian to: a) notify them of the recommendation to discharge; b) review services provided; and c) receive comments and recommendations. A copy of the results of the exit interview should be placed in the child's file.

E. Specific Services

Offense-, gender-, and cultural-specific services or programs should be utilized.

Performance indicators

- Reduced recidivism.
- Reduced reports of child maltreatment
- Reduced length of time children remain in alternative care.
- Consistent case decisions/recommendations across like cases.
- Identified areas of service needs are met.
- Reduced delays in case processing.

Potential measurement methods

- Analysis of referrals, numbers, and types.
- Review/comparison of case decisions/recommendations across like cases.
- Surveys/structured interviews with children, parents/guardians, care providers, victims, and legal representatives as appropriate.

The Disposition standard for delinquency cases puts forth a best practice standard concerned with issues of public safety, and the importance of utilizing the least restrictive intervention for the child. Adherence to the supervision level described in this standard is intended to ensure that communities are safer from offenders while habilitation efforts are administered to decrease the likelihood of delinquent behavior by the child.

The Disposition Standard for Child Abuse and Neglect Cases puts forth a best practice standard concerned with issues of child safety, well-being, and timely permanency decision-making whether through the informal or formal case process.

VIII. Detention Facilities and Services

Procedures for use of detention facilities and policies governing the treatment and rights of detained youth shall be in compliance with Supreme Court Rules 111.01-111.10. A sufficiently wide range of detention services should be available so that the least restrictive interim option appropriate to the child's needs and community safety may be selected.

When a detention facility has bedspace available, every effort should be made to accommodate youth regardless of that youth's county of residence or the court having jurisdiction.

Performance indicators

- Enhanced availability of detention facilities and services.
- Increased community safety.
- Public awareness of availability of detention facilities/services.

Potential measurement methods

- Record review (relevant to decisions to hold and availability of resources).
- Analysis of pre-disposition recidivism.
- Surveys of local citizens.

This standard was created to ensure that there are sufficient resources available to detain youth that present a significant risk and that detention resources are used judiciously. The standard encourages resource sharing among circuits which have detention facilities and services, and promotes development and use of less restrictive options when appropriate.

GLOSSARY OF TERMS

Referral – Information received by the juvenile officer or other authorized staff that alleges facts, which may bring a juvenile under the applicable provisions of Chapter 211. If information is given verbally, it shall be reduced to writing.

Supervision – Refers to the on-going contact of a juvenile found to be subject by the court's jurisdiction. The Juvenile Officer/Deputy Juvenile Officer for a designated period of time during which he or she may be required to comply with certain conditions either by informal agreement or formal court disposition under subdivision (2) or (3) of subsection 1 of Section 211.031 RSMo.

Collateral contacts – Contacts with members of the juvenile's support system, or other persons who have knowledge of the juvenile's behavior. This may include parents or guardians, other relatives, school personnel, and treatment providers.

Detention – Means the taking and retention of the person of a juvenile in judicial custody in connection with proceedings under subdivision (2) or (3) of subsection 1 of Section 211.031 RSMo.

Secure detention – Any public or private residential facility used for the temporary placement of any juvenile if such facility includes construction fixtures designed to physically restrict the movements of juveniles held in such facility.

EVALUATING PERFORMANCE STANDARDS

These standards offer a means for self-assessment and improvement for each juvenile office and our juvenile justice system. Implementation should be an ongoing process. The Missouri Standards for Administration of Juvenile Justice provide a basis for continual data collection and monitoring and evaluation. Measurement of performance is an essential element of this project. Upon implementing these standards, thoughtful consideration should be given about how processes and outcomes will be measured.

There are two dimensions to evaluating the success of this project: the evaluation of the implementation process and the evaluation of outcomes. The evaluation of the process consists of determining if and to what extent the practices described in the standards are actually being implemented. Attention to evaluating the process is essential. It would not be fair to judge standards based solely on outcomes, without attention to whether they were implemented properly. Outcome data alone can be misleading, and lead to the conclusion that standards were not achieving intended goals, when in fact they were not implemented properly. These standards reflect, for the most part, fairly specific practices and processes that when implemented, can have observable and measurable impact.

Evaluating processes alone, however, will not produce any information about the impact of the standards. When evaluating process, the questions are: *Is a particular standard being met? If not, why not? What is actually being done?* An outcome evaluation poses questions regarding the impact of a particular standard: *What is the result of having implemented this standard?* Ideally, this is measured against an expected outcome. For instance, if a standard sets a maximum time limit for a decision or other action, the following questions are relevant: *Are operations more efficient? Has case-processing time been reduced? Are users more satisfied?* Terms for describing expected outcomes should be as concrete as possible so that they can be relied on as performance indicators.

The mission of the Committee was to establish standards for the operation of juvenile justice offices and their services, which did not include the development of a measurement system. The Committee however, strove to create measurable standards and felt it incumbent to identify some expected outcomes when standards are met. Each juvenile justice office must establish its own outcome for each standard, and this process may be greatly facilitated by using the suggested measures outlined in this document.

Some potential methods of measurement are recommended, although these are not intended to be exhaustive. Circuits are encouraged to seek innovative means for measuring outcomes. Feasibility of methods of measurement, as well as preferences for use will vary across juvenile offices. Users should be

aware of the strengths and weaknesses of each proposed measure, and how to properly construct the measures (e.g. survey construction issues). Much of the data collected regarding performance indicators are qualitative and the same tools can be used to measure different outcomes. Structured interviews, facilitated focus groups, and surveys are recommended for several outcomes. To decrease costs and time spent in data collection, each of these methods can capture data on multiple outcomes. For instance, a single survey can capture data on perceptions of accessibility, fairness of recommendations and decisions, and timeliness of decisions and other actions.

Also, sound evaluation of effectiveness should ideally include multiple measures of single outcome. Any single measurement method has weaknesses or degree of error; use of multiple and overlapping measures can greatly improve measurement quality.

The Trial Court Performance Standards volume provides an additional rich source of information on how standards can be measured.

ORGANIZATIONAL PERFORMANCE

While juvenile justice professionals have responsibility for complying with the standards, the intended focus is on how the juvenile justice office and its services as a whole performs, not any one individual. The overall performance of the juvenile justice office is advanced through a system in which standards are set and met. There are inherent rewards to an organization that is able to operate more efficiently, more effectively, and able to produce greater client satisfaction. Likewise, the juvenile justice office, not any one individual, is held accountable and experiences consequences when standards are not met.

The criminal justice scholar John Dilulio proposes four civic ideals that form the basis of the justice system: a) doing justice; b) promoting secure communities; c) restoring crime victim, and d) promoting non-criminal options. The Standards for Administration of Juvenile Justice are based on these ideals. Those juvenile offices that implement these standards can help insure that all those who are served by their agency—offenders, victims, and other participants—are treated fairly and equitably, that sanctions are just, and that there is a balance among public safety needs, individual rights, and the allocation of scarce resources.

LITERATURE REVIEW

Juvenile court administrators, the judiciary, and juvenile justice professionals are increasingly seeking ways to demonstrate that the juvenile justice system can be effective and accountable and that juvenile courts perform vital functions. A system of performance standards offers one such avenue. Performance standards rooted in civic ideals offer a means for self-assessment, self-improvement, and accountability.

This paper reviews the literature relevant to court performance and juvenile justice standards. This review was conducted to inform the work of the Missouri Standards for Juvenile Justice Committee in developing a set of performance standards for juvenile courts in Missouri.

The Case for Performance Standards

Public polls indicate that the criminal justice system is less respected than most other public institutions, and court performance in particular is a source of dissatisfaction (Rottman and Casey, 1999). The juvenile justice system shares these image problems. High-profile crimes committed by juveniles fuels public fear and outrage and leaves the juvenile system vulnerable to attacks. The juvenile crime surge that began in the 1980s and continued through the mid-1990s triggered a demand for significant reforms in the juvenile justice system. Nearly every state has passed some legislation limiting juvenile court powers. The legitimacy and competence of the court continues to be challenged.

Courts have been criticized as non-responsive, inaccessible, and distanced from the problems of the general community. Casual observers and even participating citizens may perceive court processes as convoluted, arcane, and obscure, and these perceptions contribute to public dissatisfaction. As public trust declines, the legitimacy of the juvenile justice system declines.

According to proponents of reinventing government, public enterprises, like private ones, cannot be successful until they are directly accountable to the people they serve (Osborne and Gaebler, 1992). The notion that juvenile courts and the juvenile justice system should be accountable to the public is tough to refute, but determining what the public wants and the precise relationship between public demand and agency outcomes is tricky. Should “consumer satisfaction” figure into the equation for assessing court performance, and if so, who are the consumers of court outcomes? Is it those directly served, or the community at large

A major difficulty in regaining the public's confidence is that the public's expectations of what courts can and should accomplish may be at odds with what court insiders see as realistic objectives and goals. Public opinion is far from united, as some citizens advocate a system that focuses on rehabilitation, while others want one that insures incapacitation or retribution. Moreover, while few would argue that courts should strive toward fairness, justice, and equality, there may be considerable disagreement among stakeholders as to how these concepts should be defined, let alone translated into policy/procedures and subsequently measured.

Public demands fail to take into account the complexity of the tasks courts face. Juvenile and family courts are expected to solve problems that have never been completely resolved in any society, problems such as family conflicts, mental illness, and defining the limits of "normal" adolescent behavior. And, like the adult criminal justice system, the juvenile system must maintain the delicate balance between protecting individual rights while protecting public safety. These problems are complex and fraught with value conflict. What is an ideal outcome for one participant or group is often seen as an example of poor court performance by those participants or groups on the "other side" of the issue.

Juvenile court professionals are aware of the limitations under which courts operate and the problem of contradictory goals, and can easily grow frustrated in the face of public criticism. This is why the measurement of performance is so crucial. Osborne and Gaebler (1992) explain that "If you don't measure results you can't tell success from failure, and if you can't demonstrate results, you can't win public support." Standards can provide a means for measuring what courts do and demonstrate how processes and activities of the system are linked to outcomes. In support of performance measurement systems, Joan Petersilia (1993:76) points out that:

"When public agencies fail to define their mission internally, political influences are more apt to define it for them. And when they fail to articulate how they should be evaluated, outcome measurements such as recidivism rates will likely be imposed upon them."

Public organizations have always been faced with the challenge of finding the best ways to measure performance. Unlike businesses that operate for profit, there is no clear bottom line that sums up success. How should the effectiveness of juvenile courts be measured?

In order for standards to be useful, they must be more than just ideals. They need to take into account system capacity, they must be measurable, and they should set realistic benchmarks for an agency to achieve. Strong performance standards can help the juvenile system close the distance between how it

should be performing and how it actually is. A set of performance standards can offer the system a way to balance the often-conflicting goals it is expected to achieve, through assessment of multiple outcomes.

The high rate of juvenile crime and the explosion in juvenile violence is frequently offered as evidence that juvenile courts don't work effectively. The argument is that if juvenile courts were more effective, there would be less crime committed by juveniles. Certainly as one cog in the juvenile justice system, juvenile courts shoulder some of the responsibility for deterrence, rehabilitation, reintegration, incapacitation, and punishment. Yet as the scholar John DiIulio argues, the assumption that crime and recidivism rates constitute the sole or even the most important measures of performance by courts and criminal justice agencies is flawed (DiIulio, 1993: 1-3). While crime rates and offender behavior may be targeted for change by the juvenile court, these are also influenced by a number of factors over which the court has no control.

The New Paradigm

There are other indicators of performance that must be considered to properly assess juvenile court performance. A new paradigm is emerging that goes beyond the assessment of court and other criminal justice agencies' performance through examination of crime rates and recidivism. The following section discusses this new paradigm.

In the new paradigm, performance measures for courts and other public agencies share an important characteristic with those traditionally used in the private sector—they are service-oriented. That is, they are defined by the members of the general public who experience the results of court and public agency activities. At the same time, proponents of the paradigm press for measures that are realistic, based on the daily activities of courts and other justice agencies, and that take into account the constraints under which these agencies operate. Within the new paradigm, measures are explicitly directed at outcomes, rather than inputs, and take into account the multiple goals of courts and other justice agencies.

An important difference between the old and the new, or emerging paradigms, is reflected in the difference between the two dimensions for assessing court performance, one that concerns court structure and processes, and the other that concerns outcomes. Until the mid-1970s, structures and processes were

regarded as the key elements in evaluation of court performance, and it was assumed that these inputs naturally came to bear on court outputs, which in turn influenced outcomes (Kelitz, 2000).

The conventional wisdom was that sufficient attention to successful court structure and processes guaranteed satisfactory outcomes. Certainly, these two dimensions are not independent of one another. Court structure and processes affect performance outcomes in that they are believed to mediate certain values, such as efficiency. Yet identification of the desired outcomes, let alone actual measurement of outcomes, went largely ignored. The role of the public as consumers of court outcomes was also de-emphasized. Performance measurements were derived solely from court and justice system managers and other professionals, not the general public.

In the old paradigm, court performance researchers relied on performance indicators such as conviction rates and case processing times, which are process measurements. A great deal of emphasis was placed on the measurement of efficiency. Studies of this nature offered little insight into what was the *impact* of court processes and the relationship between efficiency and effectiveness (Cole, 1993). Nor could it be demonstrated whether courts were operating according to principles such as fairness, equity, and justice. Critics pointed out that a focus on efficiency at the expense of other values can produce injustice and damage institutional integrity (Gallas, 1987).

Beginning in the late 1970s, there was a shift in court performance research from relatively narrow topical research that focused on just one aspect of court performance (i.e. plea bargains) to broad-based research assessing the role of courts in the overall justice system. This shift began with a series of studies commissioned by the National Institute of Law Enforcement and Criminal Justice in 1978. This body of research was undertaken to study performance measures in the criminal justice system, including police, corrections, and courts. Among the findings that emerged from this project was that there was a lack of consensus in the field as to what should be measured, how measurement should take place, and the definitions of key court outcomes like justice and equity.

Despite the growing rhetoric regarding the need for value-based performance standards that address court outcomes and a system of strategies and techniques for assessing performance, most models fell short of the ideal. It was not until 1997, when the National Center for State Courts published the four-volume Trial Court Performance Standards that a detailed blueprint for assessing court performance would become widely available.

The Trial Courts Performance Standards are clustered into five performance areas that represent the fundamental mission of courts. These are:

- Access to justice
- Expedition and timeliness
- Equality and fairness
- Integrity, independence, and accountability
- Commitment to public trust and confidence

The model supports four constructs, which reflect key elements in the new paradigm (Keilitz, 2000):

- 1) An emphasis on outcomes v. inputs.
- 2) The court as an organization is the proper unit of analysis.
- 3) The public has a role in defining the desired results.
- 4) Courts are responsive to community needs

The TCPS model rejects a purely utilitarian approach (i.e., focusing exclusively on reduced offending as an outcome), which is disconnected from any underlying vision that is based on values. Agency policies can be fashioned and implemented without any attention to the values of an agency without there being any consistent theme that reflects agency mission. Such policies and practices may have a desired effect on crime rates and recidivism, without regard to the legitimacy of the means. Thus, articulation of underlying values—like justice and equality—is a necessary component of a sound performance measurement system. In the TCPS model, performance is assessed in the context of these values.

However, a performance system in which only the underlying values and mission are identified, is equally inadequate. Abstract values must be connected to concrete, observable performance indicators in order to be successfully measured. The Trial Courts Performance System Implementation Manual (1997) includes explicit measures of performance and offers detailed methods courts can use to gauge how effective the standards are.

The TCPS model exemplifies the significance of the new paradigm to courts. It is both empirical and normative, clearly going beyond measurement of performance to defining and arguably even extending the mission, roles, and responsibilities of courts.

The authors of the *Bureau of Justice Planning Guide for Using the Trial Court Performance Standards and Measurement System* (1997: 4) note that “Several themes are interwoven throughout the standards: the court as service provider (customer orientation), problem solver, institution builder, and proactive governing agent in the community.”

Closely tied to the new roles and responsibilities, as defined in the new paradigm, is the restorative justice movement, which has gained momentum in the past decade. Elements of restorative justice reflect the emerging role of the courts as embedded in the community and a proactive player in community problems-solving efforts. Specialized courts, such as drug courts, domestic violence courts, and teen courts are another manifestation of the new paradigm, as these courts are more explicitly involved in the resolution of social problems.

Critics argue that the new role of the court as a social problem-solver is inappropriate. Defenders of this role point out that courts have always carried such responsibilities. The new paradigm, in effect, validates courts' wide array of roles and responsibilities.

Within the new paradigm, it is not enough for courts to know what they do, but what gets done. Courts are challenged to ask the questions: How effective are court activities and processes? What is the impact of what the court does on the community? The result of implementing a full set of performance standards should be “demonstrable changes in the well-being of the public and the community served by the court [outcomes]” (Keilitz, 2000: 38).

The shift to the new paradigm is far from complete. Neither the TCPS nor other models that promote outcome-oriented, service-oriented performance systems have been wholly embraced by courts. The issues surrounding implementation and institutionalization are addressed in the upcoming section titled Implementation.

Models of Performance Standards for Juvenile Courts

There is no definitive model of performance standards for use by juvenile and family courts. Much of the literature on development and implementation of court performance standards concerns adult trial courts. Juvenile and family courts may opt to develop their own performance standard systems or modify models of performance standards developed for adult courts or other juvenile justice agencies. Bearing in mind there is no “one-size-fits-all” model, this section discusses some considerations for juvenile courts seeking to develop or adopt and implement a system of performance standards.

Friedman (1997) offers six characteristics necessary in order for a performance measurement system to be effective. The system must produce measures that are:

- a) Credible – they should be accurate and meaningful representations of the quality and quantity of services an agency provides;
- b) Fair - they should reflect factors that are within an agency's control;
- c) Clear – they should be easy for both agency insiders and citizens to understand and useful to decision-making;
- d) Practical – they should not be too costly, complex, or cumbersome to implement;
- e) Adaptable – they should be fluid enough to change as the agency changes and grows; and
- f) Connected – they should integrate agency policies and with other aspects of planning, budget, and management.

While these are relevant criteria for both adult and juvenile court performance standards, there are important differences between how these types of courts operate that must be considered when designing or choosing a performance standard model. The proceedings of juvenile courts tend to be less adversarial than those of adult courts, for one. Juvenile courts have historically been more informal and more often take a proactive approach. Because youth are believed to be not yet fully set in their thinking and behavior patterns, there is a greater emphasis on rehabilitating juvenile offenders than is seen in the adult system.

Juvenile and family courts, which hear cases involving domestic violence, divorces, custody disputes, and abuse and neglect of children have cases that are particularly complex and address very sensitive and personal areas in clients' lives. Because of the scope of the problems juvenile and family courts are faced with, these courts frequently collaborate with community organizations that have similar purposes (serving youth families) than do adult trial courts.

Another important feature of juvenile courts is that they are embedded in community systems and services, in that outcomes produced by the courts are not wholly independent of the other entities and/or organizations. Thus, standards that address performance of courts alone may be inadequate to insure goals are met. For instance, standards may need to address the quantity and quality of services available to the courts as well.

The TCPS model requires significant modifications before it is usable at the juvenile or family court level. Specific standards relevant to the role and tasks of the juvenile courts must be developed and performance indicators identified. However, the principles underlying the standards, as well as many of the measurement strategies, are applicable to juvenile and family courts.

Standards do exist for the administration of juvenile justice system-wide. A highly comprehensive set, the *Standards for Administration of Juvenile Justice and Delinquency Prevention* (National Advisory Committee, 1980), offers recommendations for performance in virtually every area of juvenile justice—from prevention to institutional placement.

A more focused set of recommendations is presented in the *Janiculum Report: Reviewing the Past and Looking Toward the Future of the Juvenile Court*. This report resulted from a symposium of professionals concerned with juvenile justice issues convened by the National Council of Juvenile and Family Court Judges and supported by the Office for Juvenile Justice and Delinquency Prevention and the State Justice Institute. The authors offer a blueprint for juvenile court reform and suggest important areas of court performance that should be addressed. Like the TCPS model, the Janiculum Report offers a mission for juvenile courts and describes the goals courts must attain in order to accomplish their mission. The performance areas include jurisdictional and structural issues, procedural issues, programmatic issues, and system accountability.

The *American Bar Association Performance Standards for Juvenile Justice* is yet another a comprehensive set of standards for the juvenile justice system. These are based on best-practice research and legal precedent. This model is not explicitly based on service orientation, and thus does not reflect the themes of the new paradigm to the extent that the others described in this review do. Nevertheless, these standards do not ignore the role of the community and attempt to balance concern for the welfare and rights of the juvenile with the authority to sanction those who violate society's laws. The ABA standards are intended as an antidote to piecemeal and quick fix approaches that have been tried and failed. This model represents an effort to find some middle ground between “get tough” policies and “soft” policies in the interests of rehabilitation that compromise accountability.

Neither the *Standards for Administration of Juvenile Justice and Delinquency Prevention* the Janiculum Report recommendations, nor the *American Bar Association Performance Standards for Juvenile Justice* constitute a full performance standard system in the sense that the TCPS model does. For instance, these models do not include recommendations for performance indicators or measurement methods.

A common theme among these three juvenile justice model/blueprints is that all advocate a balanced approach. Within this approach, the tasks of the juvenile justice system include: protecting the community; promoting accountability so offenders decrease risk to re-offend and competency to increase chances the youth will lead a productive life; sanctioning delinquent behavior; and, providing due process to those who appear before the court.

Any of these models may provide a useful starting point to courts seeking to introduce a performance standards system, and all have something to offer. The choice of which model to adopt is less about which model is the superior one, and more about which model is most compatible with the mission of a particular court, and which is most feasible to implement. Not surprisingly, implementing a full system of performance standards can be daunting to courts. Issues surrounding implementation are discussed below.

Implementation

Implementation can be difficult for a number of reasons. A concern all too-frequently put forth by those who participated in the development of court and other justice system standards is that implementation has not been pursued as avidly as hoped. One of the members of the committee that authored the ABA standards noted, “They have not been given a fair chance.”² Resistance to adopting a full model may be due to the fact that some states and jurisdictions prefer to adopt only part of the standards from a given model, and incorporate these into existing practices they regard as already adequate, rather than adopt the entire model.

However, the authors of the ABA standards argue that their model is interdependent, and that standards are significantly weakened if they are adopted without other, closely related standards. However, it is reasonable to expect that “generic” models (models not developed based on the needs of a specific jurisdiction) like the ABA and TCPS models are likely to require some refining by courts in order to fit with specific courts needs and availability of resources.

Each court will undergo a period of learning and may find that “ideal measures” do not suit their organizational needs and must be modified before they are viable. It also may become necessary to update standards over time, in response to changes in legislation, changes in the population an agency serves, or other variables that affect the social and legal context in which public agencies operate.

Judges or court administrators may also be resistive if they confuse performance standards with accreditation standards (Keilitz, 2000). These are not the same things. Performance standards are a means for internal evaluation and self-improvement, not a means for accreditation, recognition, or cross-agency comparison.

Some courts may lack the necessary resources to implement standards. Many juvenile courts need whatever funding is allocated to simply maintain the status quo. They may have no additional funding

needed to hire new staff in order to meet recommended caseload ratios and contact standards, to implement the range of programs suggested by some standards, to train staff on the standards, and to upgrade detention facilities, among other things. The evaluation component, too, can be time-consuming and costly. The TCPS model, for example, relies on a wide array of data sources and techniques to assess performance. Measurement techniques include records review, systematic observation, simulations, surveys, and focus group work. Initial measures must be taken to provide the court with performance benchmarks, against which to compare subsequent performance after the standards are implemented.

However, performance standards advocates argue that the funding and resource shortages courts face are one reason why they *should* have performance standards. The standards can provide an agency with a rationale for requesting additional funds from funding sources. Ultimately, a system of standards that has the net result of a more effective and efficient court can result in tremendous long-term savings.

Court professionals may balk at accepting standards that are linked to performance indicators over which they have little control. Such standards can appear to set the agency up for failure. In his discussion of criminal justice performance measures, Logan (1993:37) argues that it is important to evaluate performance “according to that which it is reasonable and realistic to regard as being within their sphere of influence, competence, and accountability³.” For instance, it is unrealistic to hold courts accountable for overall rates of juvenile crime in the community, though juvenile justice practitioners may agree that it is not unreasonable to expect to have an impact on rates of re-offending among juvenile offenders who have been served by the court.

Legal and policy restrictions are yet another obstacle. It is possible that existing laws and policies are contrary to practices described in some models of performance standards—either because the laws and policies are outdated, or because of the contradictory objectives of the juvenile justice system (for instance, rehabilitation versus punishment). Performance standard systems, however, can be designed to take into account competing goals.

Advocates of the new paradigm warn that implementation is inadequate if court professionals focus primarily on process measures and ignore or downplay outcome measures. Measuring performance simply by assessing compliance with standards (process measures) is not satisfactory. Court professionals must go beyond this to determine what is achieved when a standard is met (outcome measures). Failing to

³ Logan’s essay concerns prison performance standards, but his statement in this regard is clearly applicable to courts and other criminal/juvenile justice agencies as well.

identify intended outcomes of the standards and the performance indicators, and blurring the distinction between inputs (process-related variables) and outputs and outcomes are “the most common pitfalls of performance measurement in the public sector” (Keilitz, 2000:36).

Human resistance to change can present a substantial barrier. Staff may feel threatened by a new set of standards that implies their current level of performance is unsatisfactory. The process of implementation may be viewed as time-consuming and disruptive to the normal workflow of the agency. These and other “negative mental models” hinder successful implementation (Keilitz, Ostrom, Kauder, 1997). Certainly, unintended consequences are virtually inevitable with any ambitious project like implementation of a full performance standards system. But careful planning and attention to line staff feedback can limit the impact of the unexpected. Also, courts that have experimented with adopting performance standards find it is a gradual process, one that is more successful if implemented in steps, rather than the entire package at once.

It is important to understand that implementation of performance measures is a process, not a one-shot event or experiment. Full-fledged implementation does require a sufficient input of resources—both in terms of human efforts and fiscal resources. Yet none of this is a reason to reject performance standards or the new paradigm. Keilitz (2000:24) quotes a judge, who, upon viewing an early draft of the standards, observed that “These things are like mom, apple pie, and the American way. Who can quibble with them?” Certainly whether juvenile courts choose to adopt the TCPS (modifying it to fit the different needs of specific juvenile courts) or other model, support from court administrators and management is critical. Standards created without the support of the judiciary and other key professionals are likely to fail.

Finally, it must be emphasized that failure to meet performance standards is not cause to sanction an agency. Poor performance may be an indicator that an agency does not have the resources needed to function according to standards. Standards should be viewed as “a tool for learning and self-diagnosis of a trial court’s health” (Hewitt, Gallas, and Mahoney, 1990). An important function of a performance standard system is to provide information to legislators and oversight agencies as to what courts need to perform better. The empirical evidence that performance measures produce can be powerful leverage with which a court can secure resources needed to operate at its optimal level of performance.

CONCLUSION

Public agencies that undertake to develop and implement a performance standards system are faced with a significant challenge. Standards must be meaningful, realistic, and capable of being translated into terms that the “consumer”—the public who looks to these agencies for results—can understand and appreciate. Facing this challenge can prove to be well worth the effort, however. At a time when the effectiveness and even the existence of juvenile courts is routinely being called into question, performance standards can be a valuable tool in rebuilding public confidence. They can also assist in bringing some focus and coherence to a system that often appears fragmented and at cross-purposes with itself.

Performance standards are not ends in themselves. Nor are they fixed, static concepts. Rather, they are elements in a dynamic process, a process that ultimately results in a juvenile justice system that is not only accountable, accessible, and trustworthy, but that can play a role in building a more just society and strengthening our communities.

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